

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 21.12.2018

CORAM  
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33421 of 2018

J.Vasanthakumar

.. Petitioner

Vs.

1. The District Registrar,  
Tindivanam

2. The Sub Registrar,  
Marakanam

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to register the document bearing Document No.P/Marakanam/45/2018 dated 01.10.2018, settlement deed executed by the petitioner's father in favour of the petitioner and also to release the same to the petitioner forthwith.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.T.M.Pappiah  
Special Government Pleader

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the second respondent to register the settlement deed bearing Document No.P/Marakanam/45/2018 dated 01.10.2018, executed by the petitioner's father in his favour and also to release the same to the petitioner forthwith.

3. It is the case of the petitioner that his father Jaganathan is the absolute owner of the properties in S.Nos.397 - 3 acres (Old.S.No.620/2), Dry S.No.404/1 - 1 acre out of 5.40 acres (Old S.No.619/1) both situated at Nadukuppam Village and Dry S.No.44/5 - 70 cents (Old S.No.28/5) and Dry S.No.87/1 - 20 cents (Old S.No.102/1) both situate at K.N.Palayam Village, Marakanam Taluk. Out of love and affection, the petitioner's father executed a Settlement Deed on 01.10.2018 allotting A and B schedule properties to the petitioner and his brother. The said deed was presented for registration by obtaining on-line appointment on 01.10.2018. The petitioner's father has clearly

set out as to how he obtained the title over the properties comprised in the settlement deed. The petitioner was allotted the A schedule property. The petitioner's grandfather Varadhappa was the original owner of the properties and the said properties are not the subject of the partition suit filed by the petitioner's grandfather in O.S.No.56 of 1949. In the suit filed by one Minor Vasudevan and another in O.S.No.22 of 1968 on the file of the Sub Judge, Cuddalore, the learned Judge has upheld the validity and genuineness of the Will executed by his grandfather Varadhappa and the suit filed by him in O.S.No.22 of 1968 ended in dismissal and there was no appeal as against the same. Hence, the petitioner's father became the absolute owner of properties comprised in the settlement deed. When the document was presented before the second respondent, the second respondent accepted the document for registration and the document has been stamped and all the formalities for registration was completed on 01.10.2018. The second respondent, having accepted the document for registration, has kept the document pending, as there was some objection by a person, who did not have any right, title and interest over the same. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

4. Heard Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the documents filed by the petitioner once again and register the same forthwith, if the papers are otherwise in order. It is open to the respondent to hear the petitioner and the persons claiming interest in the property and also afford them an opportunity of personal hearing to satisfy himself about the correctness of the facts pleaded by the petitioner.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Registrar,  
Tindivanam.

2. The Sub Registrar,  
Marakanam.

+lcc to Mr.N.Suresh, Advocate, S.R.No.89612  
+lcc to the Government Pleader, S.R.No.90021

W.P.No.33421 of 2018

SJ(CO)

rrs 13/02/2019



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